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June 11, 2012

Filed Via ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
4455 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *In the Matter of Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244; *In the Matter of Telephone Number Portability*, CC Docket No. 95-116; *In the Matter of Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources*, CC Docket 99-200

Dear Ms. Dortch:

On Thursday June 7, 2012 I met with Kimberly Jackson, Marilyn Jones, Melissa Kinkel, Sanford Williams, Ann Stevens, and Kiara Williams to follow up with on-going difficulties Bandwidth has been experiencing with "project porting" with one particular carrier – Level 3 Communications ("Level 3").<sup>1</sup> The attached presentation was used to provide both actual and hypothetical data points to demonstrate the magnitude of the problems with Level 3's project porting procedures. Bandwidth expressed its support for a rapid adoption of NANC proposed best practice number sixty-seven (NANC BP # 67) with clear statements from the Commission that losing carriers have no right to dictate the pace of project porting schedules. During the meeting I also discussed the concerns Bandwidth has with the pending Petitions for Waivers of 47 C.F.R. § 52.15(g)(2)(i).<sup>2</sup>

The relevant portion of NANC BP #67 that is most directly applicable to Bandwidth's on-going issues with Level 3 is in Note 5 which reads in relevant part: "The project porting date interval (port Due Date) *will be no longer than 15 business days from receipt of the LSR unless*

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<sup>1</sup> See Ex Parte Notification Letter to Marlene H. Dortch, Secretary, FCC from Greg Rogers, Deputy General Counsel, Bandwidth.com, Inc. (filed March 2, 2012).

<sup>2</sup> *In the Matter of Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources*, CC Docket 99-200 ("Numbering Waivers").

otherwise requested by the New Service Provider or negotiated by the Old Service Provider.”(emphasis added) Bandwidth urged the adoption of NANC BP #67 forthwith but with the added clarification that the Old Service Provider shall not have any right to dictate the porting schedule of project port requests from a New Service Provider. Exceptions to the mandatory 15 business day porting interval requirement of NANC BP #67 shall only be allowed at the request of the New Service Provider. As Level 3 itself set forth in its Reply Comments regarding proposed NANC BP #67, to do otherwise would violate multiple fundamental and long-standing tenets of local number portability.<sup>3</sup>

Demonstrating the public policy implications and anticompetitive nature of Level 3’s current process, Bandwidth compared and contrasted a current project port with XO Communications that includes roughly 300,000 numbers to how a project port of 300,000 numbers would be delayed over the course many months by Level 3. Bandwidth also explained that it had conducted a survey of the local number portability processes of nine other competitive carrier porting partners that it regularly works with and learned that Level 3 was the only carrier among ten that maintained a policy of only allowing five thousand port outs per day. None of the other nine carriers have any limitations and are willing and able to work with project porting plans as developed by New Service Providers and their customers.

Finally, Bandwidth also discussed number management and portability issues as they relate to the pending Numbering Waivers. Bandwidth explained that Vonage Communications has mistakenly suggested in at least two recent Ex Parte submissions that it could simply port LRNs from its current underlying carriers, should it be granted direct access to numbering resources. The industry guidelines and industry practices dictate that carriers must be a “Code Holder” for each LRN it establishes.<sup>4</sup> Thus, should non-carrier entities be given direct access to numbering resources, there would be immediate demand for full 10,000 number codes in all LATAs that cover service areas where new non-carriers may choose to operate in addition to all such resource commitments presently held by non-carriers’ underlying carriers.<sup>5</sup> Numbering Waivers are inappropriate for resolution of far reaching and critical industry matters that are already raised in the Commission’s on-going work to transition to a Broadband IP market.<sup>6</sup>

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<sup>3</sup> Reply Comments of Level 3 Communications, LLC, *In the Matter of Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244; *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, p. 2 (Filed Nov. 29, 2011).

<sup>4</sup> See Ex Parte Letter from James C. Falvey, Counsel for CLEC Coalition, to Marlene H. Dortch, CC Docket No. 99-200, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45, WC Docket No. 03-109; WT Docket No. 10-208, at 2-5 (May 24, 2012).

<sup>5</sup> Comments of the California Public Utilities Commission and the People of the State of California, CC Docket No. 99-200, at 6 (Jan. 25, 2012).

<sup>6</sup> *Connect American Fund, et al.*, Further Notice of Proposed Rulemaking on IP-to-IP Interconnection Issues, WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109; WT Docket No. 10-208.

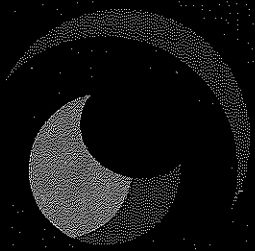
In accordance with Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above proceeding. Should there be any questions or concerns regarding this filing, please direct them to the undersigned.

Sincerely,

/S/  
Greg Rogers

Attachments

cc: Kimberly Jackson  
Marilyn Jones  
Melissa Kinkel  
Sanford Williams  
Ann Stevens  
Kiara Williams

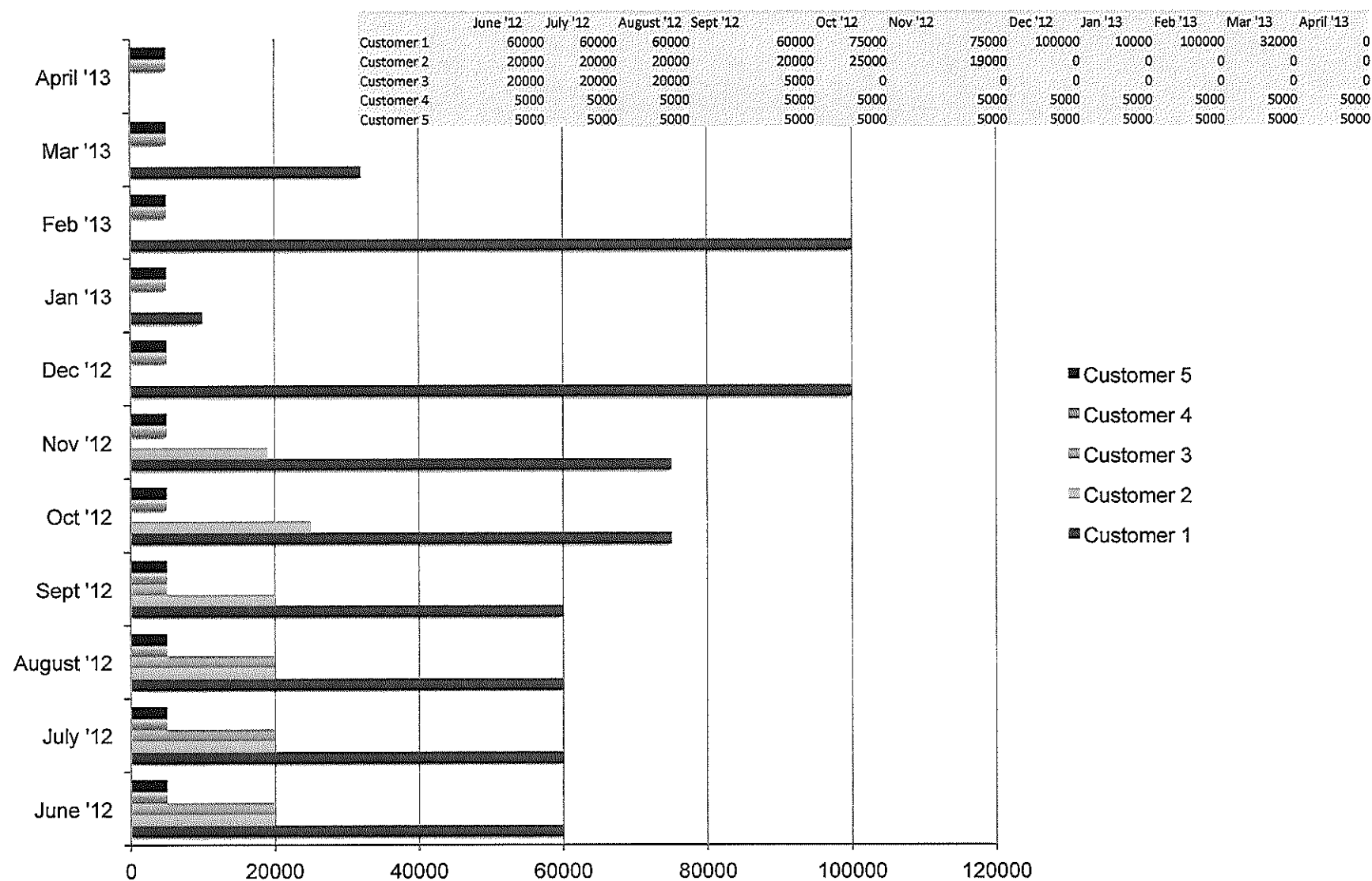


# BANDWIDTH

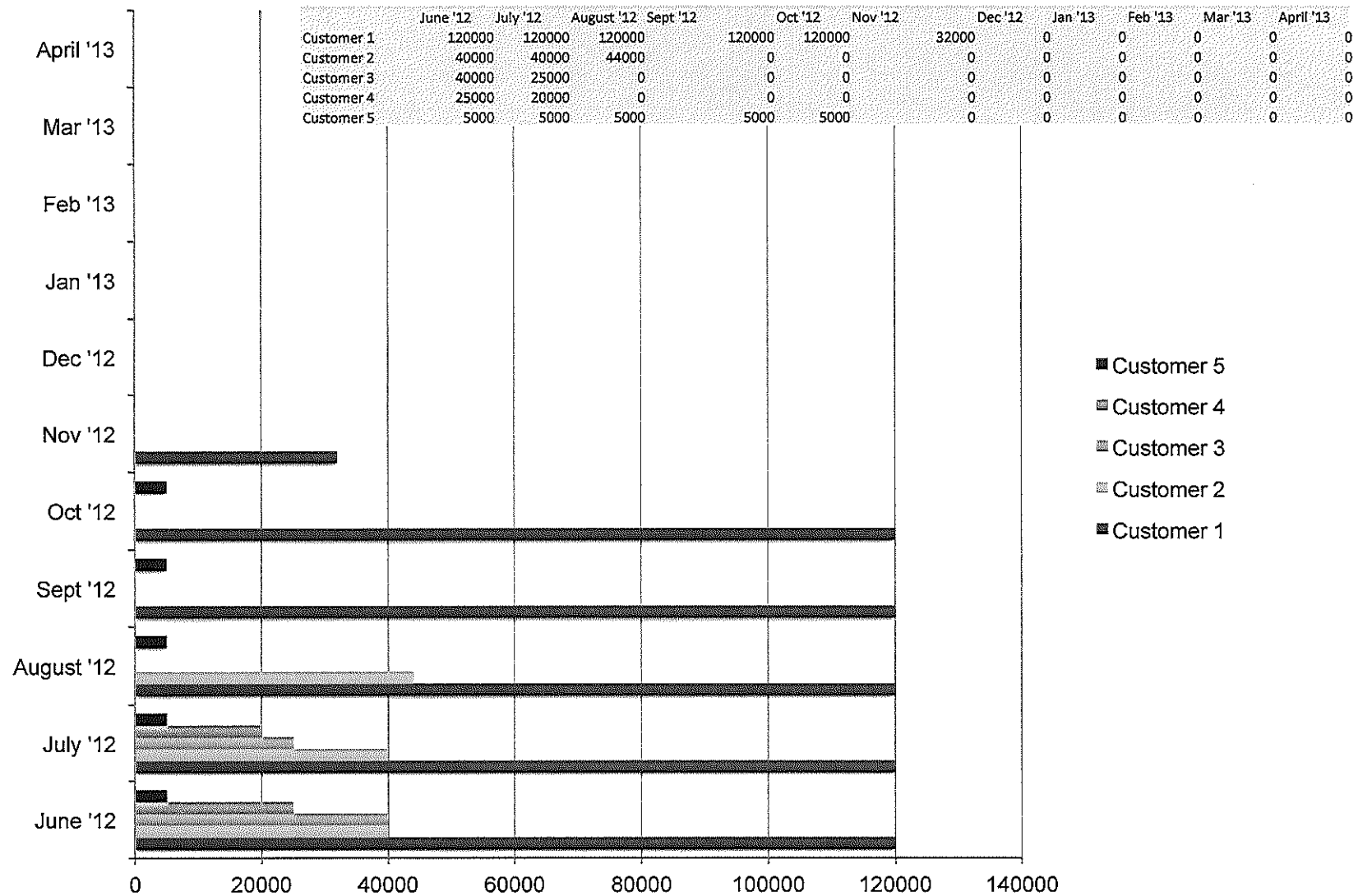
**Wholesale Project Porting Issues  
RE: NANC Proposed Rule # 67**

*Greg Rogers, June 7, 2012*

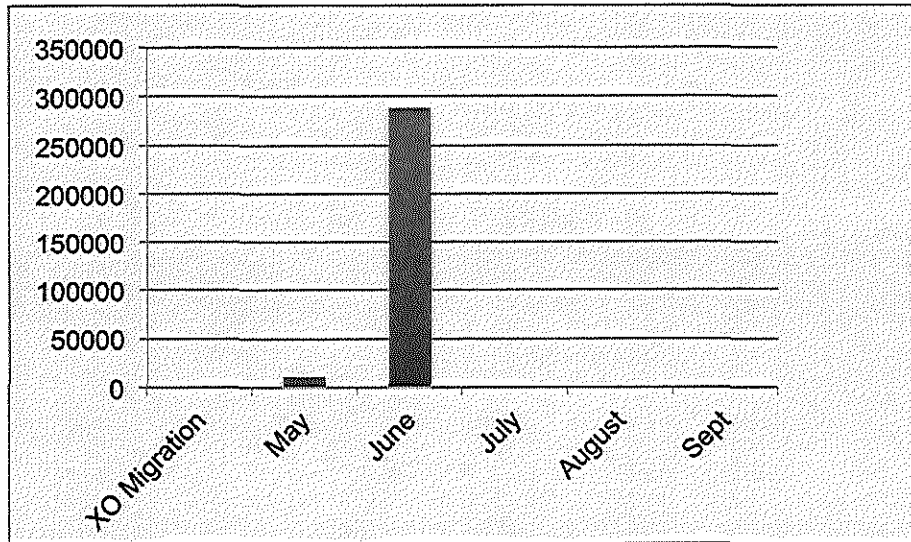
# Level 3 Port-Out Scenario - 5k Daily Restrictions



# Level 3 Scenario if Cap Doubled to 10K/Day

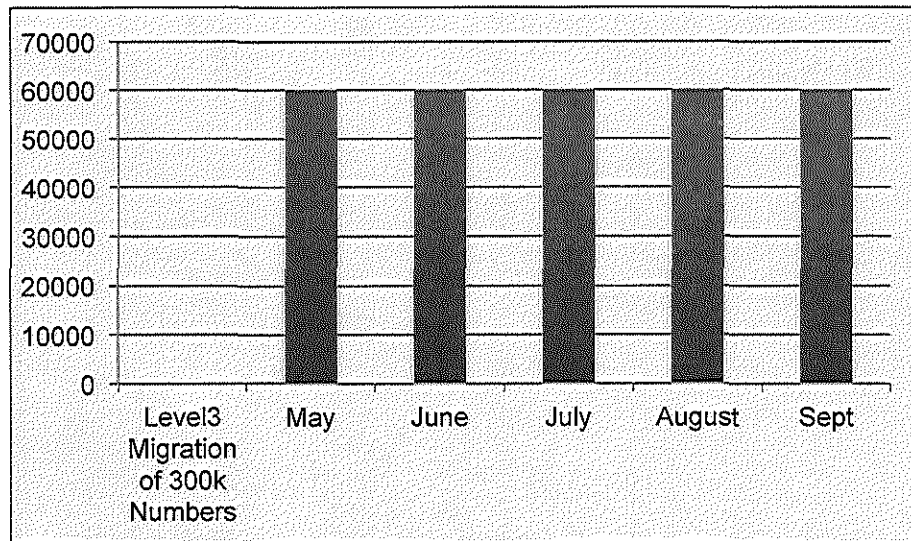


## Project Porting Comparison: XO Communications and Level 3 Communications



Top chart represents port project of approx. 300k TNs currently processing with XO pursuant to schedule proposed by Bandwidth/ Customer & supported by XO.

*This project was spread out as 2 large ports/week after initial smaller test ports in the previous month pursuant to customer requests. XO was able to accommodate port out quantities of any amount requested. Note: All other carriers surveyed other than Level 3 can also support this approach.*



Second chart represents the same port-out project if done according to Level 3's mandates.

*Level 3 only allows competitors to perform a max. of 5k port-outs a day. This schedule allows for 3 ports/ week at 5k each in order to accommodate other port-out activity with Level 3.*